

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-CV-00132-RLV
(5:97-CR-00001-RLV-1)

SEAN LAMONT DUDLEY,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Petitioner's motion to reconsider its Order construing Petitioner's Rule 60(b) motion as an unauthorized, successive motion under 28 U.S.C. § 2255. (Doc. No. 5: Motion to Reconsider; Doc. No. 3: Order on Dismissal). For the reasons stated in the Court's October 9, 2013, Order on Dismissal, (Doc. No. 5), the Court finds that Petitioner's motion to reconsider must be denied.

IT IS, THEREFORE, ORDERED that Petitioner's motion to reconsider is **DENIED**. (Doc. No. 5).

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (stating that in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that

the correctness of the dispositive procedural ruling is debatable and that the petition states a debatably valid claim of the denial of a constitutional right).

Signed: November 12, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

